

PRESS RELEASE

The CNMC fines 22 consulting firms and several of their executives a total of €6.3 million

- Divided into two collaborative networks (north and national), they formed separate cartels that manipulated public tenders for at least 10 years.
- Their *modus operandi* relied on requesting "hedging bids" to avoid competing and having one of the companies be awarded the tender.
- The manipulation of public procurement is a collusive practice that is particularly harmful to society, as it involves public funds.
- A large number of public administrations were affected by these fraudulent practices.

Madrid, 12 May 2021 - The CNMC has imposed fines totalling **€5.87 million euros** on 22 consulting services companies, including some of the main firms operating in Spain, for creating a cartel, in violation of Article 1 of the Anti-Trust Law (LDC) and Article 101 of the Treaty on the Functioning of the European Union (TFEU).

The Commission has also fined several executives of the consulting firms a total of **€439,000** for their involvement in the cartels, and has activated the legal process to exclude some of these companies from taking part in upcoming tenders offered by public administrations ([S/0627/18](#)).

This case has its origin in a preliminary investigation carried out by the Basque Competition Authority (AVC), which, after conducting a series of inspections, decided to refer the matter to the CNMC, since the events in question went beyond the scope of the Basque Country.

Consequently, in October 2018, the CNMC conducted several inspections at the headquarters of various consulting firms involving potential agreements to allocate contracts and exchange information ([press release](#)). In February 2019, the CNMC initiated disciplinary proceedings against 25 of these companies and eight of their executives ([press release](#)), which, in August 2019, it expanded to 11 new companies and two of their officers, for their possible involvement in manipulating and allocating public tenders ([press release](#)).

During its investigation into the case, the CNMC showed that, between 2008 and 2018, the firms were organised into **two collaborative networks (north and national)**, comprising **two different cartels**. The companies exchanged sensitive commercial information and used common strategies to avoid competing when they took part in **tenders to provide consulting services** offered by different public administrations.

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Cartels and administrations affected

In all, the CNMC analysed 200 procurement contracts signed over the years that prove the alleged behaviour.

In the case of the cartel of the north collaborative network, at least 101 tenders were affected, including tenders from: the city councils of Bilbao, Santander, Sestao, Barakaldo and Vitoria; various departments of the Basque Government and the Government of Cantabria; the Council of Castilla y León; the Port of Bilbao; and the Provincial Council of Vizcaya.

As for the **cartel of the national network**, the manipulation affected 72 tenders offered by, among others: The Ministry of Finance; the Ministry of Labour and Immigration; the Ministry of Economy; the Community of Madrid; the regional government of Valencia; the provincial councils of Cádiz and Seville; and the regional governments of Extremadura, Andalusia, Catalonia, the Canary Islands and the Balearic Islands.

Modus operandi

The personal and professional trust relationships of some of the managers (sometimes former employees) facilitated the operation of these networks. These managers asked one another for mutual assistance and collaboration to manipulate the public tenders issued by the various administrations affected. All that was needed was an email from one of the companies in the network, which was accepted without further explanation by the recipients.

Generally, these **contracts were negotiated with no notice**, in which the administration invited a small number of companies to submit their competitive bids. Both cartels took advantage of this procedure to avail themselves of what are known as "**hedging bids**".

Through "**hedging bids**", one of the consulting firms invited to submit a bid in the tender would regularly contact other companies in its collaborative network, which it knew would also take part, and ask them to submit a losing bid or simply to decline the invitation to participate in the process. Sometimes, the consulting firm that requested the hedging bid would even prepare the bids of its supposed competitors, or prepare the letter declining to participate.

As a result of this system, the **prices paid** by the public administrations for consulting services constantly **increased**, the incentive to improve the quality of the services was limited, and the **participation of non-cartel competitors** in the bidding processes **was impeded**. These behaviours had a considerable impact on **public funds**, as the contracts were paid for through budgets.

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Fines imposed on companies and executives

Consequently, the CNMC has proven the existence of two very serious violations of Article 1 of Law 15/2007 of 3 July, the Anti-Trust Law, and Article 101 of the Treaty on the Functioning of the European Union, by creating a cartel, and declares the following companies responsible for said infractions and imposes these sanctions on them:

North collaborative network:

- Altia Consultores S.A.: 30,000 euros.
- Bmasi Strategy, S.L.: 153,529 euros.
- Competitividad, Desarrollo e Innovación, S.L.U.: 14,823 euros.
- Deloitte Consulting, S.L.U.: 3,990,000 euros.
- Gestiona XXI Consulting, S.L.U.: 3,218 euros.
- Idom consulting, Engineering Architecture, S.A.U.: 640,000 euros.
- Indra Business Consulting, S.L.U.: 27,000 euros (fine reduced)*.
- KPMG Asesores, S.L.: 50,000 euros.
- PriceWaterHouseCoopers Asesores de Negocios, S.L.: 670,000 euros.
- Red2Red Consultores, S.L.: 30,000 euros.
- Uliker-3, S.L.: 11,040 euros.
- 97S&F, S.L.: 69,667 euros.

National collaborative network:

- Abay Analistas Económicos, S.L.: 12,499 euros.
- Factor Ideas Integral Services, S.L.: 20,000 euros.
- Gaps Política i Societat, S.L.: 15,000 euros.
- Hidria, Ciencia, Ambiente y Desarrollo, S.L.: 11,979 euros.
- Red2Red Consultores, S.L.: 25,000 euros.
- Regio Plus Consulting, S.L.: 33,744 euros.
- 97S&F, S.L.: 61,926 euros.

***In the case of the company Indra**, the fine was reduced by 10% as a result of the actions taken within the framework of its **regulatory compliance programmes**, while in the case of the **Spanish branch of PA Consulting Services Limited and one of its directors**, the fine was reduced by 40% due to [his request for leniency](#), pursuant to Article 66 of the LDC.

The CNMC also imposes the following **sanctions on the directors** of the companies mentioned above:

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North collaborative network:

- Ms Marta Álvarez Ochoa, head of the Consulting Department and of the Competitiveness and Innovation Office of Idom Consulting, Engineering Architecture, S.A.U.: 12,000 euros.
- Ms Ana Andueza Amann, representative of Deloitte Consulting, S.L.U.: 55,000 euros.
- Mr Leandro Ardanza Marqués, representative of 97S&F, S.L.: 55,000 euros.
- Mr Sabin Azua Mendia, sole administrator of Bmasi Strategy, S.L.: 35,000 euros.
- Mr Joseba Egia Ribero, administrator and sole partner of Innovisions 21, S.L.U. and "Project Manager & Technical Supervisor" of 97S&F, S.L.: 35,000 euros.
- Ms Maryam Luzarraga Monasterio, partner of PriceWaterHouseCoopers Asesores de Negocios, S.L.: 30,000 euros.
- Mr Xabier Manterola, director of the Spanish branch of PA Consulting Services Limited: 30,000 euros* (fine reduced).
- Mr Iñigo San Emeterio Mendibelzua, corporate director and head of the consulting office of Idom Consulting, Engineering Architecture, S.A.U.: 24,000 euros.

The fine imposed on Mr Xabier Manterola, of the Spanish branch of PA Consulting Services Limited, is reduced by 40% and set at 18,000 euros.

National collaborative network:

- Mr Pablo Conejo Torres, director of European funds of Red2Red Consultores, S.L.: 15,000 euros.
- Ms Rocío Cortés Fuentes, joint administrator of Regio Plus Consulting, S.L.: 55,000 euros.
- Mr Jaume Garau Taberner, joint administrator of Regio Plus Consulting, S.L. and of Consultores de Políticas Comunitarias, S.L.: 35,000 euros.
- Ms María Isabel Martínez, sole administrator of Abay Analistas Económicos S.L.: 30,000 euros.
- Ms Marta Zamacona, coordinator of European projects at 97S&F, S.L.: 28,000 euros.

The CNMC has found no evidence that the companies Oesía Networks, S.L. and its parent company Heisenberg 2014, S.L. were involved in the violations described herein.

The CNMC sends this decision to the State Public Procurement Advisory Board for appropriate action.

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The CNMC notes that this Resolution cannot be appealed through administrative channels, though the companies/individuals involved may bring an application before the National Court within two months after the day the Resolution is filed.

[See the graphical presentations of each of the collaborative networks](#)

[CNMC Leniency Programme](#)

[CNMC Guide on Regulatory Compliance Programmes](#)

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